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Fifty-second session
Item 6 of the provisional agenda

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Report of the Working Group on the Right to Development on its fourth session

(Geneva, 15-26 May 1995)

Chairman-Rapporteur: Mr. Mohamed Ennaceur (Tunisia)

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II. Agenda

III. Draft provisional agenda for the fifth session of the Working Group on the Right to Development

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Introduction

1. The fourth session of the Working Group on the Right to Development was held from 14-26 May 1995 at the Palais des Nations, Geneva. It was opened by its Chairman-Rapporteur, Mr. Ennaceur. The Working Group held 17 plenary sessions. 1/

2. At its 1st meeting, on 15 May, the Assistant Secretary-General for Human Rights, Mr. Ibrahima Fall, addressed the Working Group. He informed the Working Group of recent requests addressed to the Secretary-General by the General Assembly and the Commission on Human Rights with regard to activities of the Centre for Human Rights in the area of the right to development. The General Assembly had requested that a programmatic follow-up be provided to the implementation of the Declaration on the Right to Development. The Commission on Human Rights had requested that a subprogramme on the question be established. The Commission on Human Rights had also requested the Secretary-General to provide the structural framework, in the form of a focal unit, through which the programme would be implemented. The High Commissioner for Human Rights and the Centre for Human Rights were considering these requests within the context of the overall restructuring of the Centre for Human Rights.

3. At its 12th meeting, the Special Adviser to the High Commissioner for Human Rights, Mr. McCarthy, addressed the Working Group at the invitation of the Working Group to obtain information on the role and functioning of the Administrative Committee on Coordination in the implementation of the Declaration on the Right to Development. Mr. McCarthy stated that while the ACC could contribute to promoting dialogue, it was not a decision-making body and could not determine policy changes. He informed the Working Group of the meeting of the High Commissioner with the Committee. At its meeting in April 1994, the ACC agreed on the desirability of periodic discussions in the ACC on promoting and protecting human rights by the United Nations system. He said that the ACC had been reluctant to set up standing subcommittees.

4. At its 15th meeting, Ms. Hussen-Aden addressed the Working Group in response to a request by the Working Group to receive information on the mechanism of the focal point. Ms. Hussen-Aden informed the Working Group that she had been temporarily assigned to monitor the activities of the Centre for Human Rights and the human rights bodies and mechanisms on the integration of the status of women and their rights. However, a focal point on the human rights of women had not yet been established as that had not been recommended by the Commission. Moreover, Ms. Hussen-Aden recalled that, in a resolution on the integration of the human rights of women, the Commission, at its fifty-first session, had requested the High Commissioner to ensure the participation of human rights bodies, treaty and non-treaty mechanisms in the World Conference on Women to be held in Beijing.

Composition of the Working Group and attendance

5. The Working Group on the Right to Development at its fourth session consisted of the following 15 experts: Mr. Silvio Baro Herrera (Cuba), Mr. D.D.C. Don Nanjira (Kenya), Mr. Mohamed Ennaceur (Tunisia), Mr. Alexandre Farcas (Romania), Mr. Orobola Fasehun (Nigeria),

Mrs. Ligia Galvis (Colombia), Mr. Haron Bin Siraj/Mr. Tan Seng Sung 2/ (Malaysia), Mr. Stuart Harris (Australia), Mr. Stéphane Hessel (France), Mr. Boris A. Tsepov (Russian Federation), Mr. Niaz A. Naik (Pakistan), Mr. Pedro Oyarce (Chile), Mr. Pang Sen (China), Mr. Allan Rosas (Finland) and Mr. Vladimir Sotirov (Bulgaria).

6. Observers of States members of the Commission on Human Rights, of other States Members of the United Nations and of non-governmental organizations also attended the session. The list of participants is contained in annex I.

Adoption of the agenda

7. The Working Group adopted the agenda for its fourth session on the basis of the provisional agenda (E/CN.4/AC.45/1995/1). The agenda as adopted is contained in annex II.

Documentation

8. In order to perform the tasks entrusted to it, the Working Group took as a basis the documents prepared by the Secretary-General, in particular the reports containing information transmitted by Governments (E/CN.4/AC.45/1995/2) and by non-governmental organizations (E/CN.4/AC.45/1995/3). In addition, it had before it the reports on its first, second and third sessions. It also had before it the report on the Global Consultation (E/CN.4/1990/9/Rev.1).

9. It also had at its disposal relevant documentation adopted by the World Summit for Social Development.

10. The complete list of documents before the Working Group at its third session is contained in annex IV.

I. IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT BY GOVERNMENTS

11. At its 6th and 8th meetings, the Working Group heard statements by the observers for Colombia, Cuba, Mexico and Senegal. It also examined written replies 3/ to a note verbale addressed to Governments by the Secretary-General in pursuance of Commission on Human Rights resolution 1994/21. In their statements, the observers underlined that the right to development was a universal right. It was at the same time an individual and a collective right, based on the recognition of integral development and inseparable from the concept of social equity. All the observers underlined that international solidarity and cooperation to create a just and equitable international environment was an indispensable condition for the realization of the right to development at the national level. The Working Group was requested to continue to make concrete proposals on the ways and means to eliminate obstacles to the realization of the right to development.

II. CONTRIBUTIONS OF TREATY-MONITORING BODIES TO THE IMPLEMENTATION OF THE DECLARATION

12. At its 8th meeting, the Chairman of the Committee on Economic, Social and Cultural Rights, Mr. Alston, addressed the Working Group. Mr. Alston underlined that, in his opinion, the challenge to the Working Group on the Right to Development was in integrating the right to development into the activities of the United Nations system, which was undergoing constant change. Mr. Alston suggested that States should be encouraged to adopt their own benchmarks, as setting universal benchmarks had proven to be impossible.

III. CONTRIBUTIONS OF THE REGIONAL COMMISSIONS TO THE IMPLEMENTATION OF THE DECLARATION

13. At is 8th meeting, the Senior Adviser to the Economic Commission for Europe, Mr. Robineau, addressed the Working Group. He underlined that the Copenhagen Declaration and Programme of Action, adopted by the World Summit for Social Development, as well as the Agenda for Development, had created the basis for a consensus and had created an opening for a renewal of the concept of development and of development policies. A dual approach must be adopted for the implementation and realization of the right to development. The first relates to the setting of objectives to ensure equal access to development between States at the international level, and between individuals and social groups at the national level. The second relates to the establishment of guidelines, codes of conduct and responsibilities of the various actors: the State both as guarantor of rights at the national level and as member of the international community; the social partners; the private sector, non-governmental organizations and the media. These guidelines could be progressively defined around obstacles to be overcome or objectives to be achieved. Mr. Robineau underlined that international cooperation for the implementation of the right to development could have three objectives: specify the content of the right, evaluate progress realized and define the conditions for its joint implementation by the actors of development. He also suggested a number of areas for such collaboration.

IV. CONTRIBUTIONS OF WORLD CONFERENCES AND SUMMITS TO THE IMPLEMENTATION OF THE DECLARATION

14. The Working Group analysed the Declaration and Programme of Action of the World Summit for Social Development and expressed its appreciation for the importance it accorded to the Declaration on the Right to Development, in particular in paragraphs 15 and 17 (c) of the Programme of Action which read as follows:

> "15. It is essential for social development that all human rights and fundamental freedoms, including the right to development as an integral part of fundamental human rights, be promoted and protected. ..."
>
> "17.(c) States cooperating with one another in ensuring development and eliminating obstacles to development. The international community should promote effective international cooperation, supporting the efforts of developing countries, for the full realization of the right to development and the elimination of obstacles to development, through,

inter alia, the implementation of the provisions of the Declaration on the Right to Development as reaffirmed by the Vienna Declaration and Programme of Action. Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level. The right to development should be fulfilled so as to equitably meet the social, developmental and environmental needs of present and future generations."

15. Members of the Working Group expressed satisfaction at the fact that the recommendations of the Summit fell into line with the Group's recommendations as contained in its previous reports. The Copenhagen Declaration opened new perspectives on the implementation of the right to development. Governments, international organizations and non-governmental organizations should seize the opportunity to give new impetus to the realization of the right to development.

V. STRUCTURE OF THE GENERAL REPORT

16. The Working Group also discussed the structure of its consolidated report to be considered and adopted at its fifth session, which was scheduled to take place from 25 September - 6 October 1995. A broad outline of the tentative structure of the report was agreed upon. The report would consist of the following sections: an introduction containing the mandate of the Working Group, reference to the historical background and the fiftieth anniversary of the United Nations; chapter I would deal with principles or concepts on the basis of which the Declaration should be implemented as well as the methodology adopted by the Working Group; chapter II would reflect obstacles to the implementation and realization of the Declaration on the Right to Development and contain a list of the obstacles identified and an analysis of the obstacles, chapter III will contain recommendations on ways and means to implement the Declaration on the Right to Development and recommendations on ways and means to realize the right to development.

VI. OTHER MATTERS

17. The Working Group held a further exchange of views on the obstacles to the implementation of the Declaration on the Right to Development and the realization of the right to development, and on the ways to eliminate them. New obstacles were identified and the Working Group proceeded to consider appropriate recommendations. The Working Group agreed to consider this matter at its fifth session.

18. The Working Group began an exchange of views on the need to encourage Member States, the organs and bodies of the United Nations system and non-governmental organizations to incorporate the right to development in their programmes and to elaborate objectives for its realization.

19. The Working Group continued its exchange of views on the need to establish a follow-up mechanism for the realization of the right to development and the concrete form such a mechanism should take.

20. The Working Group considered the need to establish recommendations for the realization of the right to development at the local level. One of the ways to realize the right to development locally and nationally would be to encourage dissemination of the culture of the right to development through appropriate development education programmes.

21. It has been agreed that the next session of the Working Group will be held at Geneva from 25 September to 6 October 1995. To ensure the availability of all members, the Working Group insisted that those dates be respected.

22. The Working Group decided to devote its next session to the finalization and adoption of its general report based on a draft to be prepared by the secretariat under the supervision of the Chairman-Rapporteur.

Notes

1/ 25 May being an official holiday, the Working Group did not meet on that day.

2/ Alternate expert nominated in accordance with Commission on Human Rights resolution 1994/21.

3/ The following States sent written contributions: Jordan, Morocco, Senegal, Sweden, Zimbabwe. The replies are contained in document E/CN.4/AC.45/1995/2.

Annex I

LIST OF PARTICIPANTS

Members

Mr. Silvio Baró Herrera (Cuba)

Mr. D.D.C. Don Nanjira (Kenya)

Mr. Mohamed Ennaceur (Tunisia)

Mr. Alexandre Farcas (Romania)

Mr. Orobola Fasehun (Nigeria)

Mrs. Ligia Galvís (Colombia)

Mr. Haron Bin Siraj/Mr. Tan Seng Sung* (Malaysia)

Mr. Stuart Harris (Australia)

Mr. Stéphane Hessel (France)

Mr. Boris A. Tsepov (Russian Federation)

Mr. Niaz A. Naik (Pakistan)

Mr. Pedro Oyarce (Chile)

Mr. Pang Sen (China)

Mr. Allan Rosas (Finland)

Mr. Vladimir Sotirov (Bulgaria)

States members of the Commission

AUSTRIA

Mr. Michael Desser

COLOMBIA

Mrs. María Carrizosa de Lopez

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* Alternate expert nominated in accordance with paragraph 12 of Commission on Human Rights resolution 1994/22.

CUBA

Mr. Adolfo Curbelo Castellanos

ECUADOR

Mr. Riofrío Francisco

EGYPT

Mr. Reda Bebars

EL SALVADOR

Mr. Carlos Ernesto Mendoza

Ms. Margarita Escobar

ETHIOPIA

Mr. Minelik Alemu Getahun

FINLAND

Mr. Klaus Korhonen

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Mrs. Marion Paradas-Bouveau

GERMANY

Ms. Martina Huppertz

JAPAN

Ms. Marie Tomita

MALAYSIA

Mr. Tan Seng Sung

Ms. Rohana Ramli

MEXICO

Mr. Porfirio Thierry Muñoz-Ledo

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Mr. Antonio García

Mr. Eduardo Pérez del Solar

PHILIPPINES

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Ms. María Teresa Da Costa Gómez

IRAQ

Mr. Mohammed Salman

IRELAND

Mr. Donal Denham

ISRAEL

Ms. Tova Levy Furman

LIBYAN ARAB JAMAHIRIYA

Mrs. Najat El Hajjaji

MADAGASCAR

Mr. Jacques Solo Rason

MOROCCO

Mr. Hassan Aboutahir

NIGERIA

Mr. Cyril Uchenna Gwam

SOUTH AFRICA

Mr. Jack Christofides

TUNISIA

Mr. Samir Koubaa

Other organizations

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Mr. Berhane T. Medhin

FONDATION EQUATORIENNE DES RELATIONS INTERNATIONALES ET STRATEGIQUES (F.E.R.I.S.)

Mr. Rodrigo Montalvisa Vivas

Annex II

AGENDA

1. Implementation of the Declaration on the Right to Development by Governments

2. Contributions of treaty-monitoring bodies to the implementation of the Declaration

3. Contributions of the regional commissions to the implementation of the Declaration

4. Contributions of world conferences and summits to the implementation of the Declaration

5. Structure of the general report

6. Other matters

Annex III

DRAFT PROVISIONAL AGENDA FOR THE [illegible]TH SESSION OF THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT

Finalization and adoption of the general report of the Working Group to the Commission on Human Rights.

Annex IV

LIST OF DOCUMENTS

Symbol	Title
E/CN.4/AC.45/1995/1	Draft provisional agenda
E/CN.4/AC.45/1995/2 and Add.1	Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1994/21: replies received from Governments
E/CN.4/AC.45/1995/3	Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1994/21: replies received from a non-governmental organization

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